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April 6, 2023

**By ECF and Email**

The Honorable Lewis A. Kaplan  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

**Re:** *Daniel Kleeberg et al. v. Lester Eber et al.*, 1:16-cv-09517-LAK-KHP  
**Response to Defendants' Letter Motion [453]**

Dear Judge Kaplan,

This Court ordered me to file a proposed judgment within less than 7 days. At the same time I had to go to Connecticut and work tirelessly to try to get Dan Kleeberg and I integrated into a business with zero transition assistance from Wendy Eber. That happened. Ten minutes before the deadline, but it was done.

Now, Defendants want 12 days to review and potentially respond to the proposed judgment. Their request should be denied, or at the very least shortened. I sent defense counsel a copy of my calculation spreadsheet on Monday, April 3. I also had a conversation with them where I described the only two potentially controversial points in the proposed judgment: correcting an omission of certain of Lester Eber's income where a W-2 was not produced, and permitting Slocum Maine to be transferred directly to a party different than Eber Metro in light of some information I had learned while working at Eber-CT. I had not heard any objection to either point more than two days later when I filed the proposed judgment.

Defense counsel is merely trying to delay all the many clocks that start ticking based on entry of judgment. There is no excuse for taking so much time. If indeed there is a problem with the judgment that this Court enters, Rule 60 provides ample opportunity to correct it without enabling Defendants to delay a final resolution of this case.

I am concerned that they see dragging things out as their only form of "leverage." Even now, we still have not received a settlement offer from Defendants in well over a year, despite my clients making a revised demand and trying to convince them to negotiate as recently as a week-and-a-

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half ago. They just repeatedly delayed and dragged their feet—obviously to their own detriment, we now know, but this behavior should stop. At the most, Defendants should respond no later than Monday, April 10, as that will be 7 days after they were made aware of the potential issues.

Plaintiffs thank the Court for its attention to this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'B. C. Brook', is written over a horizontal line.

Brian C. Brook

cc: All counsel of record